

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEI-FANG LISA ZHANG, et al.

Plaintiffs,

v.

WEI-MAN RAYMOND TSE, et al.

Defendants.

No. C 07-04946 JSW

**ORDER GRANTING IN PART  
AND DENYING WITHOUT  
PREJUDICE IN PART  
ADMINISTRATIVE MOTION  
FOR EXTENSION OF TIME TO  
SERVE AND FOR ISSUANCE OF  
SUBPOENAS**

This matter comes before the Court upon consideration of Plaintiffs' administrative motion for an extension of time to serve Defendants Theresa Wong and James Wu. There has been no response filed. Plaintiffs also request that the Court grant them leave to issue subpoenas to assist them in obtaining information about these Defendants' whereabouts.

If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Plaintiffs filed their administrative motion on January 10, 2008, in which they advised the Court that 120 days would expire on January 22, 2008. Plaintiffs also submitted the declaration of Stephen S. Wu, in which Plaintiffs detail the efforts they have made to effect service on Defendants Wong and Defendant Wu. The Court finds that Plaintiffs'

1 have shown good cause for an extension, and Plaintiffs shall have until March 31, 2008 to effect  
2 service on these Defendants.

3 Plaintiffs also ask the Court to issue subpoenas and to allow them to conduct discovery  
4 to assist them in their efforts to locate Defendants Wong and Wu. Federal Rule of Civil  
5 Procedure 4(e) provides for personal service but also permits service by "following state law for  
6 serving a summons in an action brought in courts of general jurisdiction in the state where the  
7 district court is located or where service is made." Fed. R. Civ. P. 4(e)(1). It is clear from  
8 Plaintiffs' motion and counsel's declaration that Plaintiffs have been making diligent efforts to  
9 serve Defendants Wong and Wu personally.<sup>1</sup> However, Plaintiffs have not set forth any reasons  
10 why an alternative form of service is not viable.

11 Accordingly, the Court DENIES WITHOUT PREJUDICE Plaintiffs' request for the  
12 issuance of subpoenas and for discovery, pending a showing that alternative forms of service  
13 are not viable.

14 Plaintiffs are HEREBY ORDERED to serve a copy of this Order on all Defendants.

15 **IT IS SO ORDERED.**

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17 Dated: January 23, 2008

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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28 <sup>1</sup> Plaintiffs attest that Defendant Wu works at a DMV office. Plaintiffs do not  
explain why they are unable to serve him at his place of employment.